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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

RICKIE JOHN GRATE, by and through his)
Guardian Ad Litem, SANDRA TUCKER,)
Plaintiff,)
v.)
UNITED STATES OF AMERICA, and)
DOES 1 through 100, inclusive,)
Defendants.)

No. C-04-5220 MEJ (WDB)

**STIPULATION AND PROPOSED
ORDER FOR DISMISSAL WITH
PREJUDICE**

1 The parties to this agreement are the United States of America, defendant, on the one
2 hand, and Rickie J. Grate, by and through his Guardian Ad Litem Sandra Tucker, on the other
3 hand. At the inception of this litigation, Marsha D. Latner was Mr. Grate's co-guardian ad litem
4 with Ms. Tucker, but during the litigation Ms. Latner died.

5 THE PARTIES HEREBY STIPULATE, BY AND THROUGH THEIR RESPECTIVE
6 ATTORNEYS, AS FOLLOWS:

7 Pursuant to Federal Rules of Civil Procedure, Rule 41(a)(1)(ii), and consistent with the
8 terms of the Stipulation and Proposed Order for Compromise Settlement and Release filed
9 December 1, 2006 (see Docket #42), the parties hereby stipulate to the dismissal with prejudice
10 of this litigation. Each party will bear its own costs.

11 IT IS SO STIPULATED.

12
13 Dated: December 19, 2006

/ss Sean M. Burke, Esq. ss/
SEAN M. BURKE, ESQ.
JEANNE A. STEFFIN, ESQ.
Attorneys for Plaintiffs

16 KEVIN V. RYAN
United States Attorney

17
18 Dated: December 20, 2006

/ss Jonathan U. Lee ss/
JONATHAN U. LEE
Assistant United States Attorney
Attorneys for Defendant

20 The Clerk of Court shall close the file.

21 **IT IS SO ORDERED.**

22
23 Date: ~~December~~ January, 2006
24 January 5, 2007

